In the High Court of Judicature at Madras

Dated:18.04.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.147 of 2006

Uma .. Petitioner

vs.

1. The Secretary to Government
   Prohibition & Excise Department
   Government of Tamil Nadu
   Fort St. George
   Chennai 600 009.

2. The District Magistrate and
   District Collector
   Dindigul District
   Dindigul. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus calling for the records in detention Order No.2/06 on the file of the 2nd respondent quash the detention Order dt 23.1.06 and direct the production of the detenu Ravi @ Palaniappan son of Alagappa Chettiar presently detained at the Central Prison, Madurai under T.N.Act 14/82 before this court and set him at liberty as stated therein.

For petitioner : Mr. B. Sriramulu, Sr.counsel
for Mr. H. Rajasekar

For respondents : Mr. Abudukumar Rajaratrhinam
Govt., Advocate (Crl.Side)

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name Uma, challenges the impugned order of detention dated 23.01.2006, detaining her husband Ravi @ Palaniappan, as "Bootlegger" under Section 3 (1) of the Tamil Nadu Prevention of Dangerous

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Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (in short "Tamil Nadu Act 14 of 1982").

2. Heard both sides.

3. Even at the foremost, Mr. B. Sriramulu, learned senior counsel for the petitioner submitted that though the Detaining Authority has very much relied on the orders passed by the Judicial Magistrate, dismissing the bail applications filed by the detenu, while considering the imminent possibility of being coming out on bail, copies of those orders have not been furnished to the detenu. In such circumstances, according to him, the detenu was not in a position to make effective representation.

4. As against the said contention, learned Government Advocate admitted that the orders passed by the Judicial Magistrate, Vedachendur in Crl.M.P.No.7060 of 2005, Crl.M.P.No.32 of 2006 by the District Sessions Judge, Dindigul, Crl.O.P.No.330 of 2006 by High Court (Madurai Bench) and Crl.O.P.Nos.662 and 663 of 2006 by High Court (Madurai Bench) were not furnished to the detenu.

5. In the light of the admitted factual position and of the fact that those orders have been very much relied on by the Detaining Authority while arriving a subjective satisfaction and the detenu is most likely to come out on bail, we are of the view that the detenu is entitled to copy of those orders for making effective representation. Non furnishing of the same obviously vitiates the impugned detention order. On this ground, the impugned detention order is quashed; accordingly, this petition is allowed. The order of detention impugned in the petition is set aside and the detenu is directed to be set at liberty forthwith from the custody unless he is required in connection with any other case.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government
   Prohibition & Excise Department
   Government of Tamil Nadu
   Fort St. George
   Chennai 600 009.

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2. The District Magistrate and
   District Collector
   Dindigul District
   Dindigul.

3. The Joint Secretary to Government
   Public (Law & Order)
   Fort St.George.
   Chennai - 9.

4. The Superintendent
   Central Prison, Madurai.
   (In duplicate for Communication to detenu)

5. The Public Prosecutor
   High Court, Madras.

+ 1 cc to Mr H.Rajasekar, Advocate SR 19654

JE(CO)
CGS/24.4.06

Order in
H.C.P.No.147 of 2006

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